

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Treasurer/Tax Collector/Public Administrator	(2) MEETING DATE 4/3/2012	(3) CONTACT/PHONE Art Bacon, (805) 781-5849 Lori Guidotti, (805) 781-5840	
(4) SUBJECT Request to approve a resolution delegating authority to the County Tax Collector to approve validated claims for excess proceeds from the sale of tax defaulted properties, and to make payments to parties of interest on behalf of the Board.			
(5) RECOMMENDED ACTION It is recommended that your Honorable Board of Supervisors approve and direct the Chairperson to sign the accompanying Board Resolution authorizing the County Tax Collector to approve validated claims for excess proceeds from the sale of tax defaulted properties, and to make payments to parties of interest on behalf of the Board.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? No
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation (Time Est. _____) <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A		(12) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(13) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(14) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
(15) LOCATION MAP N/A	(16) BUSINESS IMPACT STATEMENT? No	(17) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(18) ADMINISTRATIVE OFFICE REVIEW Emily Jackson			
(19) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Honorable Board of Supervisors

FROM: Frank L. Freitas, CPA
County Treasurer, Tax Collector, Public Administrator

DATE: April 3, 2012

SUBJECT: Request to approve a resolution delegating authority to the County Tax Collector to approve validated claims for excess proceeds from the sale of tax defaulted properties, and to make payments to parties of interest on behalf of the Board.

RECOMMENDATION

It is recommended that your Honorable Board of Supervisors approve and direct the Chairperson to sign the accompanying Board Resolution authorizing the County Tax Collector to approve validated claims for excess proceeds from the sale of tax defaulted properties, and to make payments to parties of interest on behalf of the Board.

DISCUSSION

Pursuant to the California Revenue and Taxation Code, the County Tax Collector is required to notify parties of interest of their right to claim excess proceeds from the sale of tax defaulted property. Parties of interest, identified as lienholders of record, persons with title of record, or heirs to a person with title of record, have up to one year after the recording of the Tax Collector's Tax Deed to Purchaser of Tax-Defaulted Property, to claim excess proceeds. Excess proceeds are the amounts that remain after the unpaid taxes and the costs of conducting the sale are satisfied.

Currently, after the time for filing a claim for excess proceeds expires, the County Tax Collector makes a recommendation to the County Assessor's Office regarding the amount of excess proceeds each claimant is to receive. Once the County Assessor validates the claims, the Tax Collector's Office submits a request to your Board for approval and payment of the claims. After the claims are paid the Tax Collector is responsible for transferring any unclaimed excess proceeds to the County Tax Losses Reserve Fund for distribution by the Auditor-Controller to the County General Fund.

California Revenue and Taxation Code Section 4675.1 allows your Board to adopt a resolution to delegate Board of Supervisors authority for the administrative duty of approving payment to claimants of excess proceeds. This resolution would authorize the Tax Collector to perform the administrative duties, as indicated in the attached procedure.

No changes are being requested which will have an effect on how excess proceeds are distributed. California Revenue and Taxation Code Section 4711 (c) requires that the unclaimed excess proceeds be distributed to the County Tax Losses Reserve Fund.

OTHER AGENCY INVOLVEMENT

The County Assessor and the County Auditor-Controller have reviewed the Resolution. County Counsel has reviewed and approved the resolution as to form and legal effect.

FINANCIAL CONSIDERATIONS

There will be no change to the distribution of excess proceeds which will continue to be distributed in accordance with the California Revenue and Taxation Code.

RESULTS

This Board action will authorize the Tax Collector to approve the claims and make payment of Excess Proceeds to Parties of Interest after the County Assessor validates the claims.

Adoption of this resolution will meet the County's goal of providing quality customer service and meet the communitywide result of "A Well Governed Community," by being fiscally responsible.

ATTACHMENTS

1. Resolution and Appendix A - Procedure for Distributing Excess Proceeds to Claimants